

REMARKS

Claims 1-58 are pending and were examined. Applicant has amended claim 33. No new matter has been added.

Rejections under 35 U.S.C. §112:

Claims 24-27, 44 and 56 stand rejected under §112, second paragraph as being indefinite for failure to particular point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the examiner states that with respect to claim 24, "an isolator member" is not described in the specification. Claims 25-27 and 56 are dependent upon claim 24, and are therefore also rejected. Applicants respectfully submit that as a nonlimiting the example, the isolator member for isolating the sink material from said optical power density could be the gas permeable surface of the container as described in the specification at page 11, line 20-22. As such, the claim is not indefinite in view of the reading the claim with the specification.

With respect to claim 44, the examiner states that "a heating element" is not described in the specification. Applicants believe support is found on page 9, lines 23-25.

Rejections under 35 U.S.C. §103:

Claims 1-6, 8-9, 11-15, 20-21, 23-25, 27-28, 32-35, 45-48 and 50-58 stand rejected under §103(a) as obvious over US 5,550,851 to Guch, Jr., et al in view of Tamura et al. (US2001/0028670), newly cited in this Office Action.

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Applicant believes the Examiner has not established a prima facie case of obviousness as there is no motivation to combine the Guch, Jr. reference with the Tamura reference. With regards to the Tamura and specifically Figure 9 of Tamura, it is explained that the dew point in a gas laser device is low, and insufficient water is present in the box 13 to absorb hydrogen fluoride (HF) that is produced (paragraph 0109). The Tamura reference discusses saturating certain materials with water and then placing them into the box 13. First, Tamura is dealing with phenomena associated with gas lasers. Tamura needs water to absorb

undesired HF. Secondly, the introduction of water is clearly not desired in Guch where desiccants (block 22) are used to reduce humidity. Guch desires to be able to support solid state lasers and introducing a container having a source of humidity as desired by Tamura would destroy that capability. Clearly, there is no motivation to combine the two references.

Applicant believes the Examiner has not established a prima facie case of obviousness as not all elements of the present invention are disclosed. Claim 1 recites that at least a portion of the gas permeable surface is substantially opaque to optical radiation. No where does Tamura say that its mesh is opaque to optical radiation. Guch teaches protection against contamination to optical parts within the laser by outgassing of e.g., a desiccant but not the reverse -protection of the sink material (or desiccant) itself against deterioration due to exposure to light (this was one of our previous arguments).

Claim 33 has been amended to recite certain performance capabilities of the sink and container not shown or suggested in the cited art.

Claims 7, 10, 18, 22, 26, 29, 31 and 36-38 stand rejected under §103(a) as obvious over Guch, Jr., et al. in view of Tamura et al. and further in view of the admitted prior art.

Claim 16 stands rejected under §103(a) as obvious over Guch, Jr., et al. in view of Tamura et al. and further in view of McFarland et al. (US 6,034,775).

Claim 17 is rejected under §103(a) as obvious over Guch, Jr., et al. in view of Tamura et al. and further in view of Umezu et al. (US 5,862,163).

Claims 39-43 and 49 stand rejected under §103(a) as obvious over Guch, Jr., et al. in view of Tamura et al. and further in view of Chen et al. US 5,990,377.

All of the above rejections are overcome in view of the lack of motivation to combine the Guch reference with Tamura.

Additionally, the independent claims recite that HF is not a constituent of the atmosphere we seek protection from. Specifically, claims 1 and 12 recite that the sink absorbs at least one constituent of the external atmosphere. By contrast, Tamura's patent refers to species such as HF which are generated in the cavity (it is a laser gas) and are not a

contaminant or an atmospheric species. He uses his "collector" of Figures 9 and 10 as a filter for the gas, something which we do not do.

Applicant reiterates that the containers shown in Tamura's embodiments corresponding to Figures 9 and 10 are not the ones that must be opaque to the laser radiation. Applicant believes that the features of absorbing radiation are mentioned in connection with the other embodiments which do not have a "collector" but have an absorbing thin film deposited on a plate or on the walls. The function of the protection against contamination of the present invention is different than both Guch and Tamura – at least some embodiments of the present invention seek to protect the sink material itself from damage due to radiation.

CONCLUSION

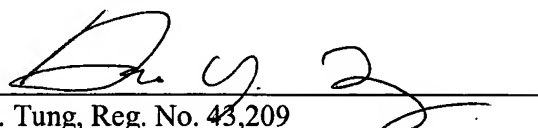
It is submitted that the present application is in form for allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 12050-0284).

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE

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Hao Y. Tung, Reg. No. 43,209

275 Middlefield Road
Menlo Park, CA 94025
Telephone: 650 324-7041
Customer No. 25213